

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION

STEPHEN E. PODEWELL,

Plaintiff,

v

APPLEBEE'S RESTAURANTS
MID-ATLANTIC LLC,

Defendant.

Case No. 1:15-cv-00432

Hon. Gordon J. Quist

**Defendant's Reply to Plaintiff's Response
to Defendant's Second Motion for
Summary Judgment**

Defendant's Second Motion for Summary Judgment and supporting Brief [ECF 48, 49] sought summary judgment on the grounds that by virtue of Plaintiff's deemed admissions, there was no remaining issues of genuine material fact. Plaintiff's Response [ECF 58] to Defendant's Second Motion does not dispute that by failing to respond to Defendant's Second Requests to Admit, Plaintiff admitted that with respect to his subject visit to Applebee's, he has not sustained any physical or emotional injury, nor has he suffered any economic damages.

Therefore, for the reasons more fully stated in Defendant's principal supporting Brief, Defendant respectfully requests that the Court grant summary judgment in its favor and for such further relief as may be appropriate.

Dated: February 10, 2016

/s/ Sandra J. Densham

Sandra J. Densham

Plunkett Cooney

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